



PUBLIC NOTICE

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November 14, 2014

**NOTICE OF WITHDRAWAL AND DISMISSAL
OF CLOSED CAPTIONING EXEMPTION PETITION**
CG Docket No. 06-181
CGB-CC-0493

By this *Notice*, the Federal Communications Commission's (FCC's or Commission's) Consumer and Governmental Affairs Bureau (CGB or Bureau) announces the withdrawal and dismissal of the River of Life Christian Center (ROLCC) Petition for exemption from the Commission's closed captioning requirements.¹

The Commission's closed captioning rules allow video programming providers, producers, or owners to obtain an exemption from the closed captioning requirements if they demonstrate that providing captions on their programming would be "economically burdensome."² In 2006, ROLCC filed a petition for a closed captioning exemption under these rules.³ On April 6, 2006, the Bureau invited comment on the petition.⁴ The Bureau granted the petition and issued an exemption to ROLCC by letter order dated September 11, 2006.⁵ In November 2006, the Bureau issued Public Notices holding in abeyance various letter orders granting exemptions and inviting comments on certain exemption petitions, including ROLCC's.⁶ In 2011, the Commission reversed ROLCC's grant of exemption.⁷ By letter dated

¹ 47 C.F.R. § 79.1.

² 47 C.F.R. § 79.1(f).

³ See Letter from Marvin A. Jackson, Senior Pastor, River of Life Christian Center of Orlando, to Commission's Secretary, Office of the Secretary, FCC (Mar. 2, 2006).

⁴ *Consumer & Governmental Affairs Bureau Action, Request for Exemption from Commission's Closed Captioning Rules*, CGB-CC-0493, Public Notice, 21 FCC Rcd 3598 (CGB 2006).

⁵ See Letter from Thomas E. Chandler, Chief, Disability Rights Office, CGB, FCC, to River of Life Christian Center, Marvin A. Jackson (Sept. 11, 2006).

⁶ *Consumer and Governmental Affairs Bureau Action Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 21 FCC Rcd 13142 (2006); *Consumer and Governmental Affairs Bureau Action Extension of Comment Period on Petitions for Exemption from Commission's Closed Captioning Rules; Ex Parte Treatment of Filings in Docket*, CG Docket No. 06-181, Public Notice, 21 FCC Rcd 13487 (2006).

⁷ *Anglers for Christ Ministries, Inc., et al.; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility*, CG Docket Nos. 06-181 and 11-175, Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking, 26 FCC Rcd 14941, 14949, ¶ 25 (2011) (*Anglers Reversal MO&O*). The Commission reversed this and other Bureau letter orders that had failed to analyze the individual circumstances of the petitioners under the "undue burden" criteria, as required under the Communications Act and the Commission's rules. *Id.* at 14949, ¶ 26.

October 25, 2011, the Bureau notified ROLCC of this reversal and explained that ROLCC would need to file a new exemption petition and supplement the record with up-to-date information, supported by affidavit, about its inability to provide closed captioning if it wished to receive a closed captioning exemption.⁸ ROLCC filed a new Petition by letter dated January 10, 2012.⁹ Subsequently, the Bureau determined that it required additional and updated information to enable it to determine whether the programming that was the subject of the Petition should be exempt from the Commission's closed captioning obligations and sent three letters to ROLCC in an effort to obtain this information.¹⁰ In response to Bureau letters dated April 18, 2012, August 8, 2012, and September 26, 2013, ROLCC supplemented its Petition three times.¹¹ On February 10, 2014, the Bureau placed the Petition on Public Notice for comment.¹² Consumer Groups jointly filed an opposition to the Petition.¹³

Before the Bureau could determine whether to grant or deny the Petition, on October 28, 2014, ROLCC submitted a request to withdraw its Petition.¹⁴ ROLCC asserts that the station on which its program is broadcast, Station WTGL(TV), is exempt from the Commission's closed captioning requirements.¹⁵

⁸ See Letter from Joel Gurin, Chief, CGB, FCC, to River of Life Christian Center (Oct. 25, 2011); *see also* 47 C.F.R. § 79.1(f)(11); *Anglers Reversal MO&O*, 26 FCC Rcd at 14949, ¶ 16, n.60.

⁹ Letter from Marvin A. Jackson, Senior Pastor, River of Life Christian Center of Orlando, to CGB, FCC (Jan. 10, 2012) (Petition).

¹⁰ See Letter from Roger Holberg, Attorney, Disability Rights Office, CGB, FCC, to The River of Life Christian Center of Orlando Florida, Attn: Marvin A. Jackson, Senior Pastor (Apr. 18, 2012); Letter from Roger Holberg, Attorney, Disability Rights Office, CGB, FCC, to The River of Life Christian Center of Orlando Florida, Attn: Marvin A. Jackson, Senior Pastor (Aug. 8, 2012); Letter from Suzy Rosen Singleton, Attorney, Disability Rights Office, CGB, FCC, to River of Life Christian Center, ATTN: Marvin A. Jackson (Sept. 26, 2013).

¹¹ See Letter from Marvin A. Jackson, Senior Pastor, River of Life Christian Center of Orlando, to CGB, FCC (May 10, 2012); Letter from Marvin A. Jackson, Senior Pastor, River of Life Christian Center, to CGB, FCC (Aug. 28, 2012); Letter from Marvin A. Jackson, Senior Pastor, River of Life Christian Center, to CGB, FCC (Oct. 24, 2013) (October 2013 Petition Supplement).

¹² *Request for Comment, Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 29 FCC Rcd 1248 (2014) (2014 Public Notice).

¹³ See Re: Opposition to Four Petitions for Exemption from the Commission's Closed Captioning Rules, Telecommunications for the Deaf and Hard of Hearing, Inc., the National Association of the Deaf, the Deaf and Hard of Hearing Consumer Advocacy Network, Cerebral Palsy and Deaf Organization, and California Coalition of Agencies Serving the Deaf and Hard of Hearing (collectively, Consumer Groups) at 2-3, 7-9 (Mar. 12, 2014).

¹⁴ See Letter from Marvin A Jackson, Senior Pastor, River of Life Christian Center, to CGB, FCC (Oct. 28, 2014) (Withdrawal Letter).

¹⁵ Withdrawal Letter at 1. ROLCC includes what appears to be a copy of an e-mail message from Station WTGL(TV)'s director of operations and engineering, which states that Station WTGL(TV) is "exempt due to [its] non-profit nature and income." Withdrawal Letter at 2 (Attachment 1). In an earlier submission, ROLCC stated that it "contacted [its] local broadcast station (WTGL-TV 45) and they fall under the exempt status, because they fall under the \$3 million revenue threshold." October 2013 Petition Supplement at 1. While the Commission's rules do not provide an exemption from the closed captioning requirements for video programming distributors based solely on their non-profit status, it is possible that Station WTGL(TV) may be exempt from the Commission's closed captioning requirements under section 79.1(d)(12). Section 79.1(d)(12) states that no video programming provider shall be required to expend any money to caption any channel or stream of video programming that produces annual gross revenues of less than \$3,000,000 during the previous calendar year. 47 C.F.R. § 79.1(d)(12). *See also* Good Life Broadcasting, Inc., Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax (2013), available at http://990s.foundationcenter.org/990_pdf_archive/592/592112394/592112394_201312_990.pdf

This *Notice* serves to inform the public that this Petition has been dismissed without prejudice as of October 28, 2014, the date of ROLCC's Withdrawal Letter.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements>.

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(last visited Nov. 14, 2014). This Public Notice does not opine on the eligibility of Station WTGL(TV) to claim a closed captioning exemption under Section 79.1(d)(12). However, we remind ROLCC that its program will have to be captioned if either the station on which its program aired is not eligible for this or another self-implementing exemption, or if it airs its program on another channel that does not qualify for a self-implementing exemption.